

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

Meeting Date:	September 17, 2007
Docket Number:	0709-VS-026
Appellant:	Geoffrey Lisle
Property Address:	14839 Victory Court
Variance of Standard Request:	<i>WC 16.04.030, D6</i> Minimum rear yard setback

EXHIBITS

- | | |
|--------------------------------------|------------|
| 1. Staff Report | 08/20/2007 |
| 2. Aerial Location Map | 08/20/2007 |
| 3. Property Card | 09/05/2007 |
| 4. Appellant's Application and Plans | 08/10/2007 |

RELATED CASES

None

VARIANCE OF STANDARD REQUEST

This variance of standard request is to reduce the minimum rear yard setback from 30 feet to approximately 16 feet in the SF-2 District (*WC 16.04.030, D6*).

PROPERTY INFORMATION

The subject property is approximately 0.39 acre, located on Victory Court in the Village Farms subdivision. The property is zoned SF-2 and is used residentially. Abutting property on all sides is zoned SF-2 and is used residentially or as common area. The subject property does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

The subject property is part of Section 16 of the Village Farms subdivision. Section 16 was platted on May 4, 1998 and complies with all applicable SF-2 standards (97-P-15). The existing residential structure, constructed in 1998, complies with all applicable SF-2 standards (98-IP-587).

There are no variances, special exceptions, or pending enforcement cases on record for the subject property.

ANALYSIS

The submitted application depicts plans for a new detached garage/screened-in porch that would be located on the northeastern portion of the subject site. The garage would be used for personal use. For properties on the east side of Victory Court, a common area that is 15 feet in width is adjacent to the rear property lines (east property lines).

From a visual survey of the area and from aerial photographs from November 2006, there are currently no detached garage structures on this segment of Victory Court, nor are there any detached garage structures in Section 16 of Village Farms. Currently, the residential property to the east (across the 15 foot common area) has two (2) detached accessory structures.

The SF-2 standards for lots in a subdivision require a minimum side yard setback of 12 feet and a minimum rear yard setback of 30 feet (*WC 16.04.030, D6*). The submitted plans indicate that the proposed structure would be located 10 feet from the side property line – a 17% reduction from the SF-2 standard. The submitted plans also indicate that the proposed structure would be located 16 feet from the rear property line – a 47% reduction from the SF-2 standard. The proposed structure would comply with all other applicable SF-2 standards.

FINDINGS

No variance of standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

Findings: It is unlikely that the approval of the requested variance of standard would be injurious to the public health, safety, morals, and general welfare of the community. The intent of building setbacks is to establish minimum yards, establish a minimum building line, and manage minimum building separation. By reducing the rear yard of the proposed accessory structure, a minimum rear yard 16 feet would exist, which is less than the rear yard setback requirement for any other residential district in Westfield-Washington Township. However, the adjacent 15 foot common area to the east would provide additional separation between the proposed accessory structure and the private residential property to the east.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:**

Findings: Providing relief from the rear yard setback standard will not prevent the use of adjacent property. Adjacent property to the rear property line (east property line) is common area for the Village Farms subdivision. The use and value of the common area will not be compromised by reducing the rear setback line from 30 feet to approximately 16 feet. The common area serves as a buffer to the next immediate private property to the east. Given the common area's width, the proposed structure would be located approximately 31 feet from the next private property line to the east.

c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

Findings: Strict adherence to the zoning ordinance will not result in a practical difficulty or prevent the use of the subject property. As it was intended when the property was zoned and platted, the subject property is currently used residentially. Additionally, the existing residential structure has an attached garage. Therefore, the terms of the zoning ordinance are not preventing the use of the property for residential and associate accessory structures and uses. Further, a smaller detached accessory structure could be located on the subject property and comply with all setback requirements. Additionally, a modification to the proposed structure's orientation and/or configuration could result in a compliant plan.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

RECOMMENDED CONDITIONS

Should the Board approve this variance of standard request, the following condition would be appropriate:

1. That no further encroachment of or reduction of the amended rear yard setback occur.

KMT

Aerial Location Map

14839 Victory Court



EXHIBIT 3

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Official government site of Hamilton County, Indiana

Online Se

Property Card Report**1. report type**

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

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Summary Information - Parcel Number: 08-09-14-04-05-007.000**Property Data**

Parcel Location	14839 VICTORY CT, CARMEL
Taxing Unit	Westfield Abatement 05-09
Legal Description	VILLAGE FARMS 122.40 X 180.30 IRR
Section/Township/Range	S14 T18 R03
Subdivision Name	VILLAGE FARMS
Lot and Block	Lot 676 Block 16
Acres	0.39
Effective Frontage	97
Effective Depth	174
Property Class	One Family Dwelling

Exterior Features and Out Buildings

- 1 Attached Garage,
- 2 Open Frame Porch,

Property Owner as of April 30, 2007

Lisle, Geoffrey A & Catherine Lee

Most Recent Valuation as of March 1, 2006

Assessed Value: Land	49900
Assessed Value: Improvements	238500
Total Assessed Value:	288400

Building 1, Card ID R01**Physical Characteristics**

Story Height	2.0
Attic	none
Basement	full
Crawl	none
Year Built	1999

Floor Construction

Basement	Slab
2.0 (second)	Sub and joists
1.0 (first)	Sub and joists

Floor Finish

Basement	Unfinished, None
2.0 (second)	Carpet, Vinyl tile
1.0 (first)	Carpet, Vinyl tile

Exterior Cover

Basement	Conc block
2.0 (second)	Wood siding
1.0 (first)	3/6 Masonry

Interior Finish**Accommodations**

Finished Rooms	8
Bedrooms	3

Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	YES

Plumbing

Full Baths	2
Partial Baths	1

Fireplace

Fireplace Stacks	YES
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Basement Rec Room

Rec Room Type	
Rec Room Square Footage	0

Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Area
Basement	1342	0
2.0 (second)	1264	1264
1.0 (first)	1342	1342

Basement	Unfinished	Garage	
2.0 (second)	Drywall	Garage Type	Framed
1.0 (first)	Drywall	Garage Square Footage	572

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TOWN OF WESTFIELD, INDIANA



Petition Number:

0709-VS-26

Date of Filing:

08/10/07

Application for VARIANCE OF DEVELOPMENT STANDARD**Westfield – Washington Township****Board of Zoning Appeals (BZA)**

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Geoffrey Lisle
 Address 14839 Victory Court
Carmel, IN 46032
 Telephone Number 317-580-1454
 E-Mail Address glisle@bsals.com lisle@indy.rr.com
2. Landowner's Name Geoffrey Lisle
 Address 14839 Victory Court
Carmel, IN 46032
 Telephone Number 317-580-1454
3. *Representative N/A
 *Address N/A
 *Telephone Number N/A
 *Email Address N/A

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
14839 Victory Court, Carmel, Indiana 46032
Northwest of the intersection of 146th Street and Oakridge Road, Village Farms Subdivision
5. Legal description of property (list below or attach)
See attached
6. Complete description of the nature of the development standard variance applied for:
16.04.030 D.SF2, 6. MINIMUM SETBACK LINES Rear yard- 30 foot setback
Variance is requested to allow a 16 foot setback along east property line. See attached diagrams.

TOWN OF WESTFIELD, INDIANA

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- Lot(s) shape and dimensions;
 - Location and dimensions of existing and proposed structures;
 - Location and dimensions of existing and proposed points of ingress and egress; and
 - All topographic and natural features and/or other unusual characteristics associated with the property.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

This request is solely for the purpose of further utilization and improvement of the

homeowners' property by allowing a variance to the current zoning setback requirements.

This request will in no way be injurious to the public health, safety, morals, and general welfare of the community. The intent is to add a garage/porch within the property limits and improve property utilization and value.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

This variance will allow improvement of the homeowners' property consistent with the

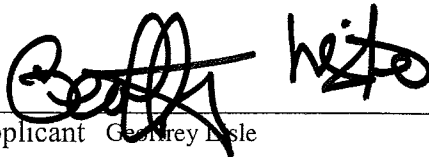
surrounding properties. This improvement will utilize materials that will match the existing house in all ways. The improvements includes a third garage space, work area, and screened-in porch. This information has been reviewed with both adjacent neighbors

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

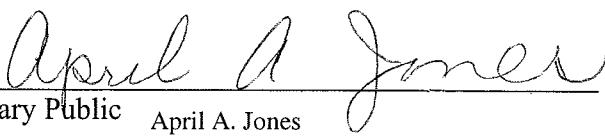
Due to the original front yard setbacks (40') and relationship of the lot to the cul-de-sac, the house position was pushed further back than its surrounding neighbors. The result was a larger front yard but a more constrained back yard. This was further compounded by the irregular shaped rear property line and 15' common area. The garage portion of the addition is 45' from the back property line. The porch portion is 16' from the back property line. These distances do not include the unused 15' common area along the back of the property.

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.


Applicant Geoffrey Esle

SUBSCRIBED AND SWORN TO ME THIS 10 DAY OF August, 2007.


Notary Public April A. Jones

My commission expires: 29 August 2007

Warranty Deed

THIS INDENTURE WITNESSETH, That

TWO GAITS DEVELOPMENT COMPANY, L.P.

an Indiana Limited Partnership

of HAMILTON County, in the State of INDIANA
Convey and Warrant to

GEOFFREY A. & CATHERINE LEE LISLE, Husband and Wife

of HAMILTON County, in the State of INDIANA

for the sum of One Dollar and other valuable considerations
the following described Real Estate in HAMILTON County, in the State of Indiana, to-wit:

Lot Number Six Hundred Seventy Six (676) in THE VILLAGE FARMS, SECTION SIXTEEN, an addition in Hamilton County, Indiana, as per plat thereof, recorded in Instrument #98-23272 in Plat Cabinet #2, Slide #105 in the Office of the Recorder of Hamilton County, Indiana and corrected in Certificate of Correction recorded 6/18/98 as Instrument No. 98-09833066.

Subject to the installment of taxes becoming due and payable in the May of 1999 and thereafter.

Subject to all liens, encumbrances, easements, highways, rights-of-way, agreements, covenants, conditions and restrictions of record.

IN WITNESS WHEREOF, The said

TWO GAITS DEVELOPMENT COMPANY, L.P.

Has hereunto set his hand and seal this 5th day of December, 1998.

TWO GAITS DEVELOPMENT COMPANY, L.P.

By: Ralph L. Wilfong II
Ralph L. Wilfong, II, General Partner

STATE OF INDIANA, HAMILTON COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named

TWO GAITS DEVELOPMENT COMPANY, L.P. By Ralph L. Wilfong, II, its General Partner
who acknowledged the execution of the foregoing Deed to be his voluntary act and deed.

WITNESS my hand and notarial seal this _____ day of

SURVEYOR LOCATION REPORT

This report is designed for use by a Title Insurance Company with residential loan policies. No corner markers were set and the location data herein is based on limited accuracy measurements. Therefore, no liability will be assumed for any use of this data for construction of new improvements or fences.

PROPERTY ADDRESS: 14839 Victory Court

PROPERTY DESCRIPTION: Lot Numbered 676, in Village Farms, Section 16, as per plat thereof recorded in Plat Cabinet 2, Slide 105, in the Office of the Recorder of Hamilton County, Indiana.

TITLE CO: Old Republic Title Company

CLIENT I.D. NO.: 99-53181

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that, to the best of my knowledge and belief, this report conforms with the requirements contained in Sections 27 thru 29 of 865 IAC 1-1-12 for a surveyor location report.

FLOOD HAZARD STATEMENT: The accuracy of any flood hazard statement shown on this report is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced flood insurance rate map. All X/ part___ of the within described land does___/does not X lie within that special flood hazard zone A as said lands plot by scale on community panel # 180083 0015 C of the flood insurance rate map for Westfield (maps dated March 11, 1983). However, the residence located on said land does___/does not X lie within said zone A when plotted by scale on said map.

CERTIFICATION DATE: May 26, 1999

PROPOSED BUYER: Lisle, Geoffrey A. & Catherine L.

PROPOSED LENDER: American Star Mortgage

SURVEYOR'S JOB # M13636

CERTIFIED BY

Leland D. Miller
REGISTERED
No. S0083
STATE OF INDIANA
SURVEYOR

Leland D. Miller, R.L.S. No. S0083



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THE
SCHNEIDER
CORPORATION

3020 North Post Road
Indianapolis, Indiana
46226-0068
317-898-8282
317-895-2803 FAX

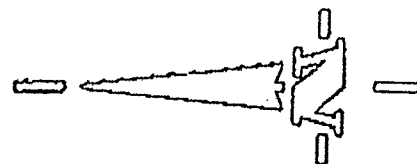
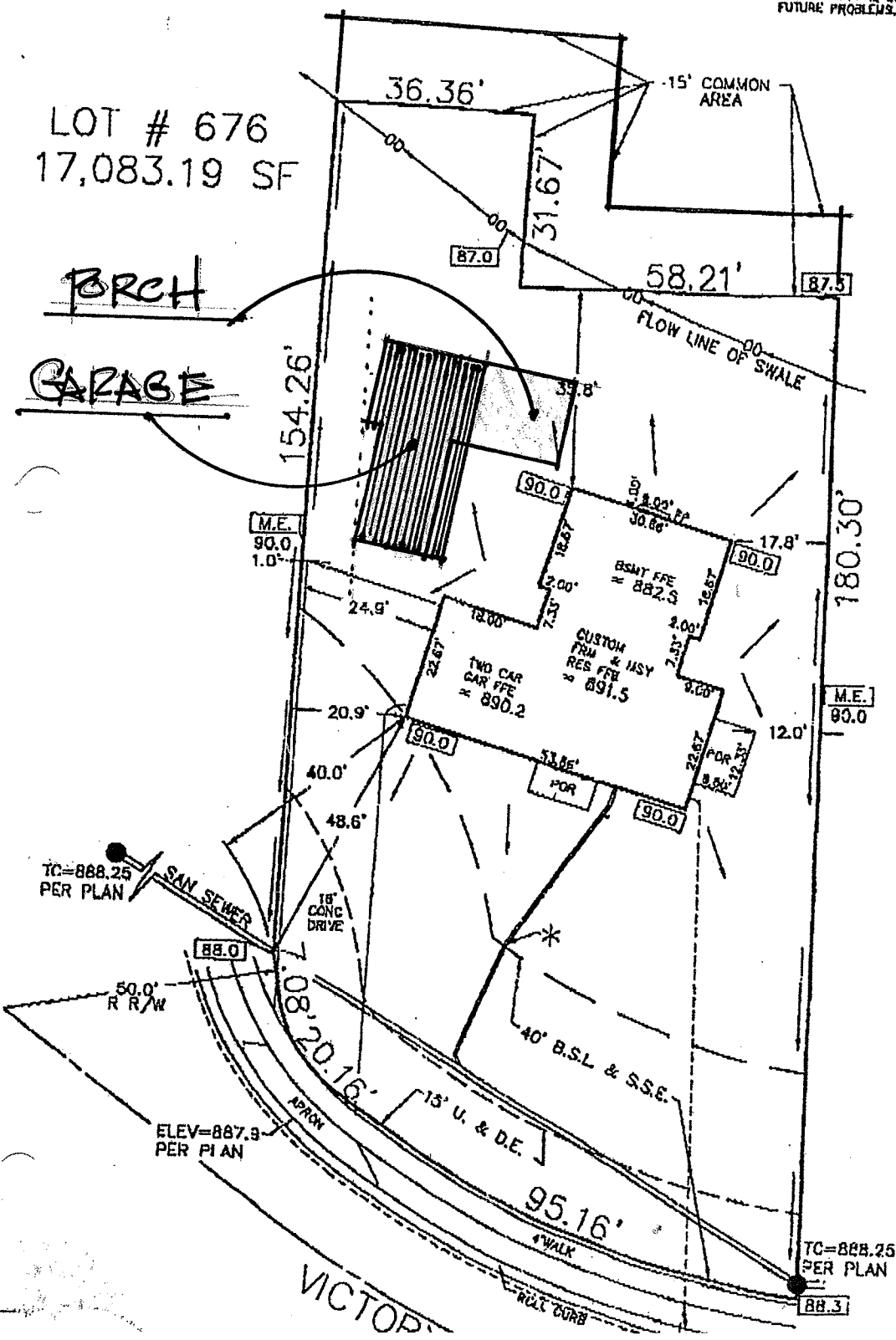
Engineering
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TE:

THIS DRAWING IS BASED ON CONSTRUCTION PLANS OR RECORD DRAWINGS AND IS NOT BASED UPON A FIELD SURVEY. THE SCHNEIDER CORP. DOES NOT WARRANT THE ACCURACY OR SUFFICIENCY OF THIS INFORMATION. THE CONTRACTOR SHOULD VERIFY EXISTING CONDITIONS PRIOR TO ANY CONSTRUCTION. ANY DISCREPANCY FOUND UPON THIS DRAWING SHOULD BE REPORTED TO THE SCHNEIDER CORP. IMMEDIATELY; FAILURE TO DO SO WILL RESULT IN THE CONTRACTORS ASSUMPTION OF LIABILITY.

NOTE:

THE BASEMENT ELEVATION DEPICTED I/FREON HAS BEEN DETERMINED AND BASED UPON THE PAD GRADES AND OR CONTOURS TAKEN FROM THE CONSTRUCTION PLANS FOR THE SUBDIVISION. UNLESS STATED, NO INFORMATION ABOUT FLUCTUATING WATER TABLE, SOIL CONDITIONS OR SOIL TYPES WITHIN THE BUILDING AREA HAS BEEN PROVIDED OR STATED ON SAID PLANS. IT IS RECOMMENDED THAT BASEMENT FINISHED FLOOR ELEVATIONS BE AT LEAST (1) FOOT ABOVE THE NORMAL POOL ELEVATION OF ANY ADJOINING BODIES OF WATER UNLESS A STUDY OF FACTS REVEALS OTHERWISE. IF DURING THE EXCAVATION PROCESS, ANY GROUNDWATER IS WITNESSED, THE SCHNEIDER CORP. SHOULD BE NOTIFIED IMMEDIATELY. THE BASEMENT ELEVATION SHOULD BE RAISED 2' ABOVE THE GROUNDWATER LEVEL. AND ADDITIONAL CONSTRUCTION TECHNIQUES SHOULD BE INCORPORATED TO AVOID A FUTURE PROBLEMS.



ASSUMED NORTH
SCALE 1" = 30'

00.0	PROPOSED GRADE
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98	98.00
99	99.00
100	100.00

* APPROXIMATE LOCATION
CONFIRM BEFORE
CONSTRUCTION 8" SAN. LAT.
CHECK VALVE MAY BE
NEEDED ON SAN. LATERAL.